

BOARD OF SELECTMEN
MAY 7, 2014
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, David Andrade,
Michael Brady, Gary Sagar

Town Administrator: Shawn E. Cadime

Executive Assistant: Anne P. Rogers

Chairman Parker opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both video and audio.

RECOGNIZE FIREFIGHTER ANTHONY PUCINO

Mr. Cadime advised that firefighter Anthony Pucino, while on vacation at a resort in Yarmouth, MA, was responsible for keeping a fire in abeyance until firefighters arrived.

Sen. James Timilty, Chairman of Public Safety in the Mass. Legislature, presented a Citation to Firefighter Pucino. Mr. Sagar presented a Citation on behalf of the Board of Selectmen and Rep. Steven Howitt presented a Citation from the Massachusetts House of Representatives.

Mr. Pucino said he was grateful to be at the right place at the right time and also to be a firefighter.

BOARD AND COMMITTEE OPENINGS UPDATE

Chairman Parker advised this item would be on every agenda to remind residents of the boards and committees that need volunteers. Talent bank forms should be completed and returned to the Town Administrator's office.

LICENSE HEARING

Consider Approval of a Mobile Food Cart License for Kim Fagundes and Refer to Board of Health

Ms. Fagundes explained it is a hot dog cart which will be at 421 Taunton Avenue.

Mr. Sagar said he does not support any of these requests because it is detrimental to local restaurants.

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Chairman Parker concurred. He noted that the Board had refused a seafood vendor last year in fairness to restaurant owners who pay taxes in town.

Mr. Almeida noted that vendor was told to find a permanent location.

A motion by Mr. Brady had no second.

Consider Approval of an Earth Removal Permit for 320 Fall River LLC

Mr. Andrade and Mr. Almeida recused themselves.

Mr. Charles Tapalian and Mr. Chris Pelletier were in attendance.

Mr. Cadime explained the property at the Firefly Golf Course is being prepared for the construction of a Continuing Care Retirement Facility. All proper signoffs were done by department heads. He noted that the last paragraph in the letter from Caputo and Wick, Ltd. indicates that loam will not be removed from the project area.

Mr. Tapalian said it is a matter of leaving the loam and pushing it off to the side. He responded to Mr. Sagar that surplus material will be going off site if there is no place to put it.

Mr. Cadime advised this matter was before the Conservation Commission.

Mr. Tapalian estimated it would take about a year for the site work and construction would probably begin in June 2015. The project will bring about 400-425 permanent jobs to the area. The 18-hole golf course will remain on the property.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was

VOTED: 3 Ayes; 2 Abstentions: To approve the earth removal permit
for 320 Fall River LLC.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Chairman Parker – Aye. Mr. Almeida – Abstained; Mr. Andrade – Abstained.

Consider Request from JCM Petroleum, Inc. to Start the Process to Change the Wine and Malt Seasonal Package Store License to an Annual License for Crossroads Auto Center

Ms. Rogers advised this is the last seasonal license and the beginning of a long process. Once approved by the Board of Selectmen it goes to Town Meeting and then to the ABCC in Boston.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

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VOTED: To start the process to change the wine and malt seasonal package store to an annual license for Crossroads Auto Center.

PRIORITY MATTERS

Promotion of Firefighter William J. George, Jr. to the Position of Lieutenant in the Fire Department; Swearing in by Town Clerk

Chief Alan Jack introduced Firefighter William J. George, Jr., a lifelong native of Seekonk. He joined the Seekonk Fire Department as a volunteer in March 1988 and became a call firefighter in October of that year. On December 1, 1996, he became a career firefighter. He graduated from the Mass. Fire Academy in 1998 where he received the Richard M. Banks Award as outstanding student. He became an EMT Intermediate in 2000. He placed first in the test for lieutenant. Chief Jack asked authorization to promote Firefighter George.

Mr. Almeida noted that Mr. George had received the "Firefighter of the Year Award" last year.

Mr. Brady said it is rewarding to see people work their way up and be recognized.

Mr. Sagar echoed those comments.

Chairman Parker said that nobody appreciates the fire and ambulance crew better than he does.

Mr. Cadime recommended the promotion.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To promote William J. George, Jr. to Lieutenant in the Fire Department.

Lt. George was sworn in by Town Clerk Janet Parker.

Mr. Sagar asked about last Friday's graduation class.

Chief Jack advised that three Seekonk firefighters graduated. He introduced Jonathan Martel, who earned the Richard M. Banks Award as outstanding student.

The other two graduates are Edward Galley and Steven Przeszlo.

Consider Request from Chief Craig Mace to Offer Conditional Offers of Employment to Mr. Keith Perry, Ms. Alicia Kelly and Mr. Bret Beausolei

Mr. Cadime recommended the appointments.

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Chief Craig Mace advised the vacancies resulted from resignations last year. Eight applicants were interviewed.

The Chief said that Mr. Perry is currently an officer in Rehoboth. Ms. Kelly is with the Huntersville, NC Police Department. She received a favorable indication from the Municipal Police Training Committee that she would be eligible for academy exemption.

Mr. Beausolei is with the Raleigh, NC Police Department and also received a favorable indication that he would be eligible for academy exemption. They are all aware of the prerequisites to become a full time police officer in Seekonk.

Chief Mace noted there would be three vacancies in the future.

Mr. Sagar stated that the exemptions represent a savings of \$50,000.

Chief Mace respectfully requested conditional offer of employment.

A motion was made by Mr. Almeida, seconded by Mr. Sagar, and it was unanimously

VOTED: To approve conditional offers of employment for Keith Perry, Alicia Kelly, and Bret Beausolei.

Sign New Regional Lockup Memorandum of Agreement

Mr. Cadime advised the original agreement between the Town of Seekonk and the Bristol County House of Correction was signed in 2005. The per diem rate has increased from \$60 to \$75 per day. The fee for FY'12 was \$4,170 for 69.5 days, FY'13 - \$5,100 for 85 days, and thus far in FY'14 - \$2,480 for 58 days.

Chief Mace explained that someone who can't make bail is transported to the House of Correction and housed there. The prisoner is transported to court from there.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To approve the Memorandum of Agreement between the Town of Seekonk and the Sheriff of Bristol County.

OLD BUSINESS

Continued Discussion on Plowing of Private Ways

The order of business moved to this item since Atty. Brainsky and Mr. Lamoureux were in attendance.

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Mr. Almeida abstained due to a possible conflict of interest.

Mr. Cadime apologized to Atty. Brainsky for not meeting with him.

Mr. Cadime said he discussed this matter with the two chiefs and Mr. Lamoureux.

Their recommendation is to continue not to plow unaccepted roadways. There is no Chapter 90 funding for these roadways. The police chief has a concern about enforcement on private ways. Mr. Lamoureux polled other communities and none of those are plowing unaccepted or private ways.

He added that Mr. Lamoureux is in constant communication during snowstorms in case there is an emergency.

Mr. Almeida asked if people on those roadways are paying taxes and for trash pick up.

Mr. Cadime said yes.

Mr. Andrade agreed it should it be approved roads to be plowed.

Mr. Sagar disagreed with the Town Administrator. He said there are many common driveways and many roads under construction that are built according to Planning Board regulations. The Town is obligated to plow those roads.

Mr. Andrade said when a subdivision is done the road is built according to specs. Any roads put in right now that only have base binder coat down are not owned by the Town. It is up to the contractor.

Atty. Brainsky responded that ordinarily in the subdivision process the developer is responsible for maintaining those roads. Once Town Meeting accepts the roads, it becomes the Town's responsibility.

He said his argument from the beginning was that in accordance with M.G.L. Chapter 40, Section 6 (c), back in 2003, there was a vote at Town meeting to allow the Board of Selectmen to appropriate monies to plow private roads. It went to Town meeting twice and approved both times.

Mr. Lamoureux said there were an excess of roads that were unacceptable when he got to Seekonk. Any developer has the availability to put the top coat on. As soon as that is done, the Town plows the roads.

Mr. Brady felt that once the final coat is on that is a roadway, regardless of acceptance.

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Mr. Cadime said in that case are they going to include streets that are not built to spec and not have plans to be accepted by the Town.

Mr. Brady said that is an omission on the part of the Town.

Chairman Parker said the Town does not get any Chapter 90 reimbursement unless the roads are accepted.

Mr. Lamoureux said that Kelsey Drive is plowed even though it is not accepted. There are several drainage issues with that project.

Mr. Brady wanted to know what action was taken.

Mr. Lamoureux said it is under the Planning Board. The Town tried to take action but the developer went bankrupt.

Chairman Parker felt they need more information. He said it was obvious that members of the Board want to plow some but not all roads.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: 4 Ayes; 1 Abstention; To table and instruct the Town Administrator to come back with a suitable solution.

The vote: Mr. Sagar – Aye; Mr. Andrade – Aye; Mr. Brady – Aye; Chairman Parker – Aye; Mr. Almeida – Abstained.

Atty. Brainsky made a suggestion on what could be done to protect the plows.

Discussion and Vote on a Warrant Article to Eliminate Term Limits for Category 2B, Section 2 of the Town By-Laws (Capital Improvement Committee)

Chairman Parker said the CIC is the only board in town that has term limits.

Mr. Cadime said he changed the language in Section 1. In Section 3, he included language that all members should be eligible for reappointment.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To eliminate term limits on the Capital Improvement Committee.

Mr. Brady wanted to change language that said no elected or town employee could serve on the CIC.

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Mr. Cadime suggested that include the School Committee.

Mr. Sagar wanted to change the date under Preparation to September 15, 2014.

Mr. Brady and Mr. Sagar commended Mr. Cadime on the document.

Discussion and Vote to Change the Dates of Category 2 of the Town By-Laws to Read November 15

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To change the dates of Category 2 of the Town By-Laws to read September 15.

Discussion and Vote on a Warrant Article to the 5-Acre Restriction so Residents can have Six (6) Chickens with Coops (No roosters)

Mr. Almeida said he asked this be on the agenda because he has had numerous residents approach him. They felt the law had changed and they could no longer have chickens. The animal control officer told him that the law never changed. If she got complaints, she would shut down the chicken farms. Residents have asked for a compromise - no more than six chickens (no roosters) and coops to be inspected every year.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To forward this request to the Planning Board.

Mr. William Rice felt it was a good idea.

Continued Discussion on Charter Revision on Appointment of Department Heads for Planning, Conservation, Health, and Assessors

Mr. Cadime presented options as directed by the Board at the previous meeting.

Option 1 - Department head appointed by the Board of Selectmen on the recommendation of the individual board to the Town Administrator;

Option 2 – The Town Administrator would recommend to the individual board for approval and require a super majority vote to overrule the Town Administration recommendation;

Option 3 – The Town Administrator would recommend to the various boards and approve by simple majority.

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There are language changes with regard to the Town Administrator adding the departments that have been omitted to all positions that would be recommended by the Town Administrator. There is an option to change from a majority to super majority.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To accept the recommendations as proposed by the Town Administrator.

Mr. Brady noted that every person appointed has to be reappointed every three years, in accordance with the Town Charter. They should be appointed by July 1.

In response to Mr. Almeida's concern, Mr. Cadime assured that the appointing authority remains with the Board of Selectmen.

Mr. Sagar said the Charter does not address reappointments.

Continued Discussion on Panhandling in Town

Mr. Almeida wanted further information. No action taken.

COMMUNITY SPEAKS (First Session)

Mr. Richard Mackowski of 29 Shade Lane respectfully objected to Mr. Brady's approach to accept roads.

He bought a house in a small development in the early 70s and the road was never put in. Two years later, still no road. The contractor posted a performance bond that was somehow released. In 1970, the Town had to appropriate \$10,000 to pay for that road. Forty years later there is no turn around on Shade Lane (a dead end). Mr. Mackowski said that Mr. Lamoureux has been more than helpful. He felt that contractors should be more accountable.

In response to Mr. Almeida's question, Mr. Mackowski said the air quality is better down there.

NEW BUSINESS

Consider May 14, 2014 Work Session to Discuss Budget and Warrant Articles in Anticipated for a May 21, 2014 Vote

Board members agreed to hold a regular meeting on Wednesday, May 14, 2014. Chairman Parker stated that he would like to discuss goals at that meeting.

Discussion on Building Committee “Ad Hoc” Change

Mr. Brady said right now there are three projects underway with three different committees. The Board needs to discuss a permanent building committee for all projects.

Chairman Parker said that it would require a charter change at Town Meeting.

Mr. Sagar said an ad hoc committee is not defined in the Charter. He felt it should be included on the June Town Meeting warrant to remove building committee from ad hoc appointments.

Chairman Parker expressed concern that there might not be a building committee when the town wants to build.

Mr. Sagar advised that the chairman of the Attleboro permanent building committee would be willing to come before the Board to discuss this matter.

Discussion on the Need to Hire a Full-Time Facilities Manager

Mr. Brady emphasized the need for a full-time facilities manager – someone to oversee the Town’s buildings. It needs to be a general contractor with vast experience in commercial construction that would be looking out for the Town’s interest.

He referred to a school roof that had a 20-year guarantee and now has problems. He felt the School Department needs to be included.

Chairman Parker said there wouldn’t be time to get it all together by June.

Mr. Sagar suggested that after Town Meeting the Board should meet with the School Committee to talk about a maintenance department.

Mr. Almeida questioned if there would be enough work for a full-time facilities manager or should an in-house person be trained to do the job.

Mr. Brady said that the list from the CIC on buildings and what will be needed within the next years will keep that person very busy.

Consider Approval of Regular Session Minutes of April 9, 2014

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To accept the Regular Session minutes of April 9, 2014.

Consider Approval of Work Session Minutes of April 16, 2014

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To accept the Work Session minutes of April 16, 2014.

OTHER BUSINESS

Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime talked about an incident where residents were not maintaining their property. The Health Agent was instructed to contact DPW and go to the property with a police officer. There was concern the residents might be under the influence of drugs or alcohol. DPW would clean the yard. He was notified that the Town never accepted the lien. Under M.G.L. Chapter 40, Section 58, cities and towns are supposed to impose a lien as long as the lien amount is voted on. He will have an abandoned and clean up fee on the warrant for the next Town Meeting. The amount will be liened on the property.

As an update to the ABC contract, Atty. Unger at the Inspector General's office is of the same opinion as Kopelman & Paige that it did not have to go through the RFP process.

BOARD OF SLEECTMEN LIAISON REPORTS AND COMMENTS

Mr. Andrade asked department heads to bring forward the most accurate budget they can. Budgets with slush funds create a problem. He encouraged them to come in under budget if possible.

Mr. Almeida said that DPW cleaned up the community gardens. The boundary markers are missing.

Mr. Sagar asked about the status of the budget.

Mr. Cadime advised that he has been reviewing the budgets with department heads. He told department heads to be as lean as possible and to build a zero based budget. He will have a full analysis of the budget for the next meeting. All department heads will be held accountable to live within the budget.

He will meet with Human Services Director Bernie Huck and Sharon Gay, grant writer, who will work on writing a grant.

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Mr. Sagar responded to rumors about the Banna Fire Station. He spoke to the chairman of the building committee. The project is within budget and should finish in the black. The modular units should be on the foundation by the end of the month.

Mr. Parker asked about the roof at the animal shelter.

Mr. Cadime had three quotes. The lowest is \$9,800. Mr. Lamoureux will check if it is a viable quote.

In response to Mr. Sagar's question, Mr. Cadime said he will meet with the Historical Commission and he should have information on the old town hall at the next meeting.

COMMUNITY SPEAKS (Second Session)

None.

Mr. Sagar motioned, seconded by Mr. Brady, and it was unanimously

VOTED: To dissolve at 8:29 p.m.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Almeida – Aye; Mr. Andrade – Aye; Chairman Parker – Aye.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary